

11/1/71

Hon. Charles McC. Mathias
Room 460, Old Senate Office Bldg.
Washington, D.C.

Dear Mac,

You were having a rough day when we met, so I can understand that if you heard me with half of one ear you were doing very well. However, two things: first, the deadline was the day you wrote me if I were to prevent what I think could be a major disaster, and second, Burke Marshall is either the best or the worst thing you could do. I fear the latter. I'll explain both.

Aside from talking to you (and nobody else in political life), I was conducting my own inquiries in my own way on the other side. There is but a single pathologist in the country who makes possible the thing I fear. I know him well. He has been evasive with me on the subject for months. It is when I got confirmation of his plans and of his getting past the Burke Marshall hurdle of the stupid contract Marshall signed on behalf of the executors of the President's estate, ~~Walter~~ that I got in touch with you. All Marshall need do is what I understand he did, as he also did with me, pass the buck to the Archivist. At that point Saint Edgar et al have the ball. The day this first became possible is the 29th, the day you wrote me. Prior to that, in response to a provocative letter I wrote him, this pathologist remained evasive on every point except his clear intention to apply for access to the autopsy film. That he does affirm. He carefully avoided telling me ^{it} had already been in touch with Marshall, as I have on excellent authority. So, not having heard from you, I felt I had to take another step. Also, Sid did not report having spoken to Teddy's AA, which he said he would do. Thus, when there was no word, yesterday I wrote Teddy's man, I think his AA. I enclose my carbon. I'd appreciate its return after you or Sid read it. No objection to copying and if it interests you (I have no desire to burden either of you or to snow either under, you can have copies of all my correspondence with Teddy's previous AA and with Marshall). It is not probability that worries me as much as possibility, and any possibility stands my hair on end.

Marshall is very much parti pris. I do not think for a minute that he signed a contract he drafted or one in which he even participated in the drafting. I think he came into this late, didn't ^{trust} his former associates, read it, saw nothing wrong with it (and I also believe had no basis for any legitimate opinion either way) and signed it. Now, the situation he faces is living with the reality of what he made possible. He could not possibly know what he had to know to adequately serve the Kennedy (and I think it here coincides with the country's) interest in this matter. He had to deal on a basis of trust with those who had every interest in abusing that trust and every interest in saddling the Kennedy name with responsibility for all the suppressions of evidence.

Marshall is holier than the Pope. I have repeatedly asked him to inform himself. I have repeatedly warned him of the potential of what he was into. I never, ever, got a single meaningful ^{reply}. Even when I presented him with copies of pictures that had to tell any reasonably intelligent man that he and his client had been had, he shrugged it off and said he left it entirely up to the Archivist. And that stalwart character, in his extremity, did not shun perjury. Unless you have the interest and can find the time, I can't tell you the whole story so I will neither tease you nor impose upon you with part of it. I tell you this, hoping you will believe it at least possible: the consequence and the proof of it I have is

like nothing in our history. It is more like a remnant of the era of the Councils of Kings. The reality is like what you would be unwilling to accept in a novel. You know me well enough to know that I have a solid basis for this opinion. I assure you it is beyond question. I couldn't begin to bring with me what I have. I took but a few papers, for I knew you'd have little time and I asked for little. If Sid understood the few sheets I showed him, I think he can have communicated to you at least the possibilities. I now go further, and I ask you please to hold this in strictest confidence. There is, today, no single bit of the essential tangible or three-dimensional evidence that exists or is untainted. Understand me, I mean all of it, from the autopsy film to the ballistics evidence to the clothing. The one thing I showed Russell, which is of different character, and I'll show it to you, led him to break a lifelong friendship with LBJ, as you may remember he did, at the same time getting out from under his responsibilities for all clandestine operations. He trusted me. I have and I will preserve his trust and will not under any circumstances make any use of what he said now that he is dead except under such circumstances as will not reflect upon him unfavorably. He came to realize what I could not persuade Marshall (or, for that matter, Ramsey Clark, among others) that he is one of the victims of this sorry mess.

There are none so blind as those who will not see. Marshall will not. Yet not being able to know and not being willing to inform himself, under any circumstances, as my correspondence will show, he presumed to act for and in the name of the clients he represented, and there going so far as to involve their approval in one of the more disreputable ventures of the executive branch, a sickening thing for which Clark, also unthinkingly and unquestioningly, now bears a responsibility that may ultimately be ruinous to him. (Having been burned once on the Clay Shaw matter, on the day of his confirmation hearing, he remained incapable of learning and he has refused to respond to every direct and indirect effort I have made for him to do no more than inform himself.)

Marshall's motives I do not question. I am satisfied he thought he was protecting what he regards as a legitimate right to privacy. Legally, it no longer existed, and it was exploited in every conceivable way by those anxious to trade on the Kennedy name and saddle any and all Kennedys, then and in perpetuity, for responsibilities neither legally nor morally theirs. In today's mail I have a sample, a note from a friend who has had access to the full LBJ book, not the condensation, which I have read. Among the things he reports reading in it, it is as big a lie as as big a liar-President ever told. I gave you the sentence as it was given me: "R.F.K. led FBI in its '24 hour a day' investigation." The truth is that the very first think LBJ did on returning to Washington is see to it that Bobby was frozen out and "cover personally and alone was in charge. With the appointment of the Commission, "cover was, in effect, relieved of personal responsibility and was able to pin the blame for his own transgressions on the Commission. The above-quoted paraphrase is from three pages on this in LBJ's book. Hoover, under oath, proves it a lie. And I have copies of Bobby's unpublished correspondence I use in my current book which eliminates any doubt. His words there are that he know "only what you (that is, the Commission staff) and my associates have told me". The painful fact is, Mac, that I have given up the subsidy I had been promised to print this book when I saw you because I am refusing to permit a condensation to be converted into a "get Kennedy" kick and won't alter the unabridged version to the same end. This means a very considerable cost to me. It may well turn out to be my only chance to get this enormous labor printed. I don't have to tell you my integrity is not for sale or that I have not ruined seven years of our lives to be part of a corruption of our history.

So, I can only hope that Marshall at least listens to you and then keeps his mouth closed. I like my aging neck better unsliced. I present considerable hazard to those of limitless power and limitless disposition to use and misuse it. I do look forward to hearing from you as soon as you and Marshall speak. If you have not reached him by the time you get this - and I'm rushing it to get it in the outgoing mail - I think it would be better, if it presents no problems to you, to restrict yourself to two things: asking him to permit nothing now under the contract and to recall, at least temporarily, any permission he may have given in whatever form; and to see if you can arrange for the three of us to meet in your office.

Or anywhere else you want that is possible for me. I'm absolutely flat broke and deeply in debt. My sole precondition is the preservation of my confidence. I offer the same assurance in return. In any event, my writing on this is completed. And I serve anything but a selfish interest in seeking to prevent a scandal, for such a tragedy would ~~make~~ my work a valuable and sought-after property. And it is already copyrighted. I have a limited edition of it.

There is another side to this. Used properly and responsibly, the danger can not only be frustrated, but this work can be put to what if I know you, you would regard as the most urgent, immediate good use. Until you can take the time to inform yourself, you have only my opinion. But there are things you have told me that I have never used that tell me your beliefs on ~~this~~ perhaps collateral matters as you see them, but ~~of~~ the crux to me. Not letting it rest on this ellipsis would be unfair to you, and I can't burden you or Sid or myself with a tome in this letter.

The strange anomaly is that if anything is to remain, if not now, then in the future, of the Marshall and Clark and Warren Commission reputations, it will be only through my work, which does, while anything but sycophantic, put them and their situations in context. I don't think any is willing to believe this now. Their positions take such extreme forms as the demeaning know-nothingism of Warren who, on the one hand, goes around the world calling for "new evidence" (and believe me, there is nothing wrong with the "old evidence" abused and ignored) and simultaneously has given order that any and every letter on this subject addressed to him be intercepted so that he may not see it. How the hell is he going to see any "new evidence"? I have offered it, without response.

I do appreciate your willingness to be part of at least an effort and even if it took a direction other than what I had asked. You can, as you know, depend upon me not exploiting it or whatever happens in any way. That is the opposite of my purpose. My problem is frustrating those with this intent, and I ~~do~~ not delude myself about my limitations. It is for this reason alone that I sought your help.

On the other matter, since Beall has already disclosed his treachery (and I hope I do not use words that give you offense if he is your friend, but they are factual), I think that perhaps the best single help you can not offer is what you or Sid suggested, putting me in touch with those of ecological interest. They have much at stake they can't know until they first hear me and then see what they will. This is an exceptional legal situation. I have spoken to the DC office of the Sierra Club, and the best I could get from them is that they are only a lobbying office, I should go to California to the office that handles these aspects. That is like telling me to go to the moon, broke as I am.

Aware as I am of the demands on your time, I repeat my offer to give you and Ann an evening you will not forget and in return will ask nothing but silence of you both. If you do not accept it, I will be without criticism or comment. It will be harder on me than you can imagine, for living with this stuff is close to intolerable.

Thanks for the try. Best from us both.

Sincerely,

Harold Weisberg